



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/073,238

02/13/2002

Karl W. Potts

BS01-272

4418

45695

7590

10/31/2006

WITHERS & KEYS FOR BELL SOUTH

P. O. BOX 71355

MARIETTA, GA 30007-1355

EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,238

Applicant(s)

POTTS ET AL.

Examiner

Joseph T. Phan

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 25, 27-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-7 is/are allowed.
- 6) ☒ Claim(s) 25, 27-29, and 31-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 line 11 recites "the device", line 19 recites "the device", line 23 recites "the user's device". It is unclear and confusing if these devices refers to the device in line 3 or the device in line 9 and if the devices are different which makes the claim indefinite.

Claim 25 line 23 recites "said network", line 24 recites "the network", line 28 recites "the network". It is unclear and confusing if these are the same networks and if they refer to the provider's network in line 2 or the SS7 network in line 8 which makes the claim indefinite.

Line 25 recites "the user", line 28 recites "the user". Since there are multiple "a user" in the claims, it is not known if there are multiple users or just one as line 5 recites "users", line 23 recites "a user", and line 27 recites "a user" which makes the claim indefinite.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 27-29, 31-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla et al., Patent #5,812,640 in view of (Astegiano et al., Patent #4,706,270 or Erwin et al, S.I.R. Reg. #H1,802).

Regarding claim 25, Chawla teaches a method of providing recorded announcements to devices on a telephone service provider network comprising the steps of

coupling a request for a recorded announcement from a device on the network of the telephone service provider to a centralized announcement service node via at least one central terminal, the recorded announcement including information for users who place calls on the network(col.4 lines 16-42, col.5 lines 60-67, col.6 line 34-col.7 line 22 and col.9 lines 30-65);

coupling a plurality of queries for recorded announcements to the centralized announcement service node via an SS7 network(col.6 lines 9-24);

retrieving, in response to a request for an announcement from a device, at least one recorded announcement file from a centralized storage mass coupled to the centralized announcement service node and the network of said telephone service

provider while the device is connected to the caller, wherein the centralized announcement service node and its coupled centralized storage mass is separated from the at least one central terminal and wherein the announcement service node provides access via subscription to an inventory of recorded announcement files on a per-use basis(col.4 lines 16-42, col.5 lines 60-67, col.6 line 34-col.7 line 22 and col.9 lines 30-65);

identifying a user of said network based on a communication from the user's device on the networks; retrieving at least one recorded announcement for the user based in part on the identification of said user; and playing at least one voice file from the announcement digital signal processor to a user who has placed a call to the network to thereby audibly convey information to the user during the call (*Fig.3, col.6 line 34-col.7 line 22 and col.9 lines 30-65*).

Chawla is silent on disclosing that the central terminal comprises a digital signal processor to convert digital packet files to voice signals.

Astegiano and Erwin discloses using a digital processor to convert digital packet files to voice files(Astegiano col.6 line 66-col.7 line 9 and Erwin col.10 lines 54-67 and col.11 lines 36-47).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to convert digital files to voice signals as taught by Astegiano and Erwin as they along with Chawla teach provisioning announcement data to provide to a caller.

One of ordinary skill in the art would have been motivated to do this as Chawla

is silent on expressly disclosing that his announcement server stores the announcements as digital files but discloses that the announcements are audibly played to the caller. Storing announcements as digital data is not novel as RAM and hard-drives for storing data digitally are old and well-known in the art(as taught by Astegiano and Erwin). Digitally storing data has been well known and used since Astegiano and Erwin because of the efficiency gains over analog storage.

It is also noted that converting digital files to voice signals using a digital signal processor is inherent when performing the conversion, Chawla teaches that the central offices has digital signal processors to create and decode digital packets from the AIN network(Chawla col. 9 lines 15-39).

Regarding claim 27, Chawla in view of Astegiano or Erwin teaches a method of providing recorded announcements to devices on a network according to claim 25, comprising the step of identifying the user based on Dialed Number Identification Service (DNIS) (*Chawla Fig.2-3, col.6 line 34-col.7 line 16 and col.9 lines 55-65*).

Regarding claim 28, Chawla in view of Astegiano or Erwin teaches a method of providing recorded announcements to devices on a network according to claim 25, comprising the step of identifying the user based on a code dialed by said user(*Chawla Fig.2-3, col.6 line 34-col.7 line 16 and col.9 lines 55-65*).

Regarding claim 29, Chawla in view of Astegiano or Erwin teaches a method of providing recorded announcements to devices on a network according to claim 25, comprising the step of-. identifying the user based on Automatic Number Identification (ANI) (*Chawla Fig.2-3, col.6 line 34-col.7 line 16 and col.9 lines 55-65*).

Regarding claim 31, Chawla in view of Astegiano or Erwin teaches a method of providing recorded announcements to devices on a network according to claim 25, comprising the steps of adding a recorded announcement to said centralized storage mass; and providing a translation to a switch on the network correlating to the added recorded announcement(*Chawla Fig.2-3, col.6 line 34-col.7 line 16 and col.9 lines 55-65*).

Regarding claim 32, Chawla in view of Astegiano or Erwin teaches a method of providing recorded announcements to devices on a network according to claim 25, comprising the steps of prioritizing a plurality of queries for recorded announcements from one or more central offices on the network; and providing a plurality of recorded announcements to said one or more central offices on the network(*Chawla Fig.2-3, col.6 line 34-col.7 line 16 and col.9 lines 55-65*);

Response to Arguments

3. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 1-3 and 5-7 allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
October 27, 2006



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600